

1
2
3
4
5
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA
6
7
8

9 Nick Fisher,
10 Plaintiff,
11 v.
12 One Way Funding LLC,
13 Defendant.
14

No. CV-18-00309-PHX-DLR

ORDER

15
16 Before the Court is Plaintiff's Motion for Default Judgment, For Class Certification,
17 and for Leave to Conduct Discovery. (Doc. 17.) The Court held a hearing on the motion
18 on December 20, 2018, during which the Court advised Plaintiff that it would grant his
19 request for leave to conduct discovery but would defer consideration of the default
20 judgment and class certification issues until after such discovery is complete. Discovery
21 will provide a clearer picture of the size of the potential class and better guide Plaintiff in
22 crafting an appropriate class notice, should the Court ultimately grant a motion for class
23 certification. After discussing the matters with the Court, Plaintiff orally agreed to
24 withdraw his current motions for default judgment and class certification without prejudice
25 to those motions being renewed after discovery. Accordingly,

26 **IT IS ORDERED** that Plaintiff's Motion for Default Judgment, For Class
27 Certification, and for Leave to Conduct Discovery (Doc. 17) is **GRANTED in part** and
28 **WITHDRAWN in part**, as follows:

1. Plaintiff's motion for leave to conduct limited discovery is **GRANTED**. Plaintiff shall have **120 days** from the date of this order in which to conduct limited discovery into his potential class allegations. Plaintiff may serve subpoenas upon the telephone service providers(s) of the following telephone numbers: 631-239-8720, 631-239-8731, and 516-203-7559. Plaintiff may also serve written discovery requests upon Defendant One Way Funding, LLC.
 2. Plaintiff's oral motion, made during the December 20, 2018 hearing, to withdraw his motion for default judgment and motion for class certification without prejudice to renewing those motions after the completion of discovery is **GRANTED**. Those portions of the motion are deemed **WITHDRAWN**.
 3. Plaintiff shall separately renew his motion for class certification and motion for default judgment by no later than **May 15, 2019**, if he still wishes to pursue them after completing discovery.
 4. If the Court grants a renewed motion for class certification, Plaintiff shall have **60 days** from the date of that ruling to prepare and submit a proposed notice to potential class members pursuant to Federal Rule of Civil Procedure 23(c)(2)(B).

Dated this 21st day of December, 2018.


Douglas L. Rayes
United States District Judge